

The Gazette



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EXTRAORDINARY

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## HOUSE OF THE PEOPLE

The following Bill was introduced in the House of the People  
4th August, 1953:—

BILL No. 41 OF 1953

*A Bill further to amend the Indian Patents and Designs Act, 1911.*

BE it enacted by Parliament as follows:—

**1. Short title.**—This Act may be called the Indian Patents and Designs (Amendment) Act, 1953.

**2. Amendment of section 230C, Act II of 1911.**—In section 230C of the Indian Patents and Designs Act, 1911—

(a) in sub-section (1) and in sub-section (3), for the words "food or medicine" wherever they occur, the words "food, medicine, insecticide, germicide or fungicide" shall be substituted;

(b) in sub-section (2), for the words "food, medicines" the words "food, medicines, insecticide, germicides, fungicides" shall be substituted;

(c) in sub-section (3), for the words "invention as a" the words "invention as" shall be substituted;

(d) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Where a patent other than a patent referred to in sub-section (1) is in force in respect of a substance or process for producing a substance and the Central Government is satisfied that it is expedient or necessary in the public interest that a licence under such a patent should be granted, the Central Government may, by notification in the Official Gazette, direct that the provisions of sub-section (1), sub-section (2) and sub-section (3) respecting the grant of licences shall apply to

such a patent, and on the issue of such a notification, the said provisions shall apply to the patent as they apply to a patent referred to in sub-section (1).”

#### STATEMENT OF OBJECTS AND REASONS

Section 23CC of the Indian Patents and Designs Act, 1911 (II of 1911) confers powers on the Controller of Patents and Designs to grant working licences under patents in respect of articles of food, medicines and surgical and curative devices at any time whilst the patent is in force. This section does not include insecticides, fungicides or germicides and this omission is proving an obstacle to the early establishment of factories for the manufacture of the above articles. The Bill seeks to remove this obstacle by suitably amending section 23CC so as to include references to insecticides, fungicides or germicides. It is also proposed to insert a new sub-section in this section empowering Government, whenever it is necessary or expedient in the public interest to do so, to apply the provisions of this section to any other substance or process for which there is a patent, so that licences under the patent could be granted freely whenever necessary.

T. T. KRISHNAMACHARI.

NEW DELHI;

*The 23rd June, 1953.*

M. N. KAUL,  
*Secretary.*